IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6088 OF 2005.

Bapusaheb Pathare ..... Petitioner
V/s
Pune Mun. Corpn. & Ors. ..... Respondents.

Dr. Virendra V. Tulzapurkar, Sr. Counsel with Mr.H.Jain i/by M/s.Udwadia Udeshi & Co. Adv. For the petitioner.

Mr.R.G.Ketkar, for respondents 1 and 2.

Mr.S.M.Ghorwadkar with Rohit Pawaskar for respondents 4 to 6.

CORAM: V.G. PALSHIKAR, Ag. C.J.
AND
D.B. BHOSALE, J.

17th Nov., 2005.

PC:

By this petition the petitioner has questioned the constitution of Planning Committee as contemplated by section 28(2) of the Maharashtra Regional Town Planning Act.

2. The contention is that the Planning Committee comes to an end after a report is submitted by it as contemplated by section 28 and thereafter if provisions of section 29 are attracted a new Planning Committee has to be appointed for the purposes of considering objections and the procedure laid down by section 28(2) of the MRTP Act is required to be followed.

3. It is obvious that the Planning Committee contemplated by section 28(2) constitutes of three members of the Standing Committee of the Planning Authority which in the present case is the Municipal Corporation of Pune and such additional number of persons not exceeding four appointed by the State Government having special knowledge or practical experience of matters relating to town and country planning planning for consideration and making report. Therefore as per section 28(2) a Planning Committee has to come in existence for considering objections and modifications contemplated by section 28. The appointment of four experts by the State Government is obviously subsequent for consideration and report. It is also clear that three members of the Standing Committee of the planning authority on the Planning Committee ceased to exist as such members of the Committee of their membership of the Standing Committee of the planning authority coming to an end. It is in such a situation that three other members are nominated on the Planning Committee. To that the State may add maximum four number of experts as contemplated by section 28 (2). That being the scheme of the act the substitution of three members of the Standing Committee which came into existence on expiry of easrlier Committee cannot be said to be in any manner illegal. There is therefore no reason to interfere. Petition rejected.